

Notice of Allowability

Application No.

09/435,034

Applicant(s)

NISHIZAWA ET AL.

Examiner

Luke S. Wassum

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' Appeal Brief, filed 5 January 2006.
2. ☒ The allowed claim(s) is/are 35-37.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 7.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20050203.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Luke S. Wassum
Primary Examiner
Art Unit 2167

DETAILED ACTION

Response to Appeal Brief

1. The Applicants' Appeal Brief, filed 5 January 2006, has been received, entered into the record, and considered.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. The drawings originally submitted with this application on 25 May 2000 contain deficiencies that were noted on form PTO-948, which was mailed to the Applicants as part of paper number 7 on 19 March 2002. In addition, the Applicants submitted a formal drawing change to Figures 10(a) and 10(b) on 19 September 2002 which includes hand drawn corrections.
4. While these drawings are acceptable for examination purposes, the examiner encourages the Applicant to submit formal drawings correcting these deficiencies at the earliest opportunity. Early submission of formal drawings will help expedite post-allowance processing and publication of the issued patent.

Response to Arguments

5. Applicant's arguments, see Appeal Brief, filed 5 January 2006, particularly with respect to arguments that the **Rabinovich** reference fails to teach a data collector provided with a storage and

Art Unit: 2167

that such storage stored the replica of a database which is provided as part of the server (see page 6, last paragraph), have been further considered and are persuasive. The rejections of claims 35-37 have been withdrawn.

Allowable Subject Matter

6. Claims 35-37 are allowed.

7. The following is an examiner's statement of reasons for allowance:

The present invention is directed to a data warehouse system whereby partial replicas can be created in response to a user query in order to improve query response. In the art of data processing, this technique is known as dynamic data replication.

The invention contains the provision that a data collector is provided with a storage and such storage stores the replica of a database which is provided as part of the server.

The closest prior art of record, **Rabinovich** (U.S. Patent 6,256,675) teaches a system for distributing requests for objects to hosts that store replicas of the objects.

However, **Rabinovich** fails to anticipate or render obvious the recited feature of a data collector that is provided with a storage and such storage stores the replica of a database which is provided as part of the server (particularly when read in light of drawing Figure 1, clearly showing that the storage is part of the data collector, as opposed to **Rabinovich** wherein the storage is part of the client), as in independent claims 35 and 36.

Art Unit: 2167

These features, together with the other limitations of the independent claims are novel and non-obvious over the prior art of record. The dependent claim 37 being definite, enabled by the specification, and further limiting to the independent claims, is also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

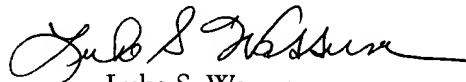
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 571-272-4119. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 571-273-4119. Such communications must be clearly marked as INFORMAL, DRAFT or UNOFFICIAL.

Customer Service for Tech Center 2100 can be reached during regular business hours at (571) 272-2100, or fax (571) 273-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Luke S. Wassum
Primary Examiner
Art Unit 2167